

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

DONNA CURLING, *et al.*

*Plaintiffs,*

v.

BRAD RAFFENSPERGER, *et al.*,

*Defendants.*

CIVIL ACTION

FILE NO. 1:17-CV-2989-AT

**STATE DEFENDANTS' RESPONSE TO 30(b)(6) ISSUE**

Curling Plaintiffs represented to this Court in e-mail correspondence that State Defendants have failed “to produce any appropriate Rule 30(b)(6) witnesses or to accept our compromise proposal for resolving that dispute.” The Court requested by email that State Defendants briefly respond. For completeness, the email thread is attached as Ex. A.

Curling Plaintiffs have yet to identify which of their extremely broad topics they were unable to obtain testimony on from a prepared witness. State Defendants identified four individuals who testified on behalf of the Secretary’s office as to each topic and Plaintiffs have taken more than forty hours of depositions thus far and obtained testimony on all topics. State Defendants propose that Curling Plaintiffs identify the specific topic on which they claim

witnesses were not sufficiently prepared. Following that identification, if State Defendants disagree, Curling Plaintiffs can move for relief and State Defendants will respond accordingly.

State Defendants do not believe Curling Plaintiffs' proposal adds anything to the situation because a remedy is already available (if necessary) under Rule 37 of the Federal Rules of Civil Procedure, except that their proposal would apply only to State Defendants—unlike the Rules of Civil Procedure. Further, State Defendants have already informed the Court and Plaintiffs that they do not intend to offer some undisclosed affidavit or testimony at summary judgment. [Doc. 1340 at 17].

This 28th day of March, 2022.

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**L.R. 7.1(D) CERTIFICATION**

I certify that this Response has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1(C). Specifically, this Response has been prepared using 13-pt Century Schoolbook font.

/s/ Bryan P. Tyson  
Bryan P. Tyson